REMARKS

This Amendment, submitted in response to the Office Action dated May 11, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-27 are all the claims pending in the application.

I. Rejection of claims 1-24 under 35 U.S.C. § 101

The Examiner has rejected claims 1-24 asserting that the claims are directed to non-statutory subject matter. Applicants have amended independent claims 1, 9, and 17 as indicated above. Applicants submit that claims 1, 9, and 17 comply with the requirements of § 101. The remaining claims recite patentable subject matter at least due to their dependency from one of the independent claims.

II. Claim Rejections under 35 U.S.C. § 103

Claims 1-2, 9-10, and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. (U.S. Patent No. 5,905,973).

Claim 1 recites, *inter alia*,

> generating a content count for the content object; and
> generating from the content count a **price for the content object**.

Yonezawa is directed to an online shopping system and is cited for disclosing all of the claim limitations except one. The Examiner cites the "electronic shopping basket titled 'Contents of shopping basket'" as being a content object and the individual items, such as flower arrangements, the user selects to buy as being content entities. (Office Action, Pages 3-4). The total payment field is cited as being the generated price. The Examiner admits that Yonezawa

does not disclose generating a price for a content object from a content count but asserts that it would have been obvious to one of ordinary skill in the art to generate a price from a content count.

The Examiner asserts that in determining the total price of the items in the shopping basket, Yonezawa teaches a determination of the price of the shopping basket, the aspect of Yonezawa cited for teaching the content object. However, it is clear that a customer of the Yonezawa system is not buying, or being given a price for, the electronic shopping basket, the aspect cited for teaching the content object. The shopping basket is simply an electronic construct that keeps track of the items selected for purchase by the customer. The customer is buying, or being given a price for, the various items in the shopping basket. The price Yonezawa discloses is for the various items in the shopping basket, not the shopping basket itself. Yonezawa does not teach or suggest that a customer purchases, or is given a price for, an electronic record of items selected for purchase, i.e. the electronic shopping basket (content object as cited by the Examiner). Hence, Yonezawa does not anticipate Claim 1.

For at least the above reasons, Claim 1 and its dependent claims should be deemed allowable. Since Claims 9 and 17 recite similar elements, Claims 9 and 17 and their dependent claims should also be deemed allowable for at least the same reasons.

III. Claim Rejections under 35 U.S.C. § 103

Claims 3-6, 11-14, 19-22, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. (U.S. Patent No. 5,905,973) in view of Dedrick (U.S. Patent No. 5,768,521). Dedrick is cited for teaching a content count being represented as bytes or words. Claims 3-6, 11-14, 19-22 and 25-27 should be deemed patentable by virtue of their

dependency to Claims 1, 9, and 17 for at least the reasons set forth above. Moreover, Dedrick does not cure the deficiencies of Yonezawa.

IV. Claim Rejections under 35 U.S.C. § 103

Claims 7, 15, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. (U.S. Patent No. 5,905,973) in view of Khan et al. (U.S. Patent No. 6,199,054). Kahn is cited for teaching adding a user-provided content entity to price metering. Claims 7, 15, and 23 should be deemed patentable by virtue of their dependency to claims 1, 9, and 17 for at least the reasons set forth above. Moreover, Khan does not cure the deficiencies of Yonezawa.

V. Claim Rejections under 35 U.S.C. § 103

Claims 8, 16, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yonezawa et al. (U.S. Patent No. 5,905,973) in view of Khan et al. and further in view of Dedrick. Claims 8, 16, and 24 should be deemed patentable by virtue of their dependency to claims 1, 9, and 17 for at least the reasons set forth above. Moreover, neither Khan nor Dedrick cure the deficiencies of Yonezawa.

VI. Claim Rejections under 35 U.S.C. § 102

Claims 1-2, 9-10 and 17-18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dedrick (U.S. Patent No. 5,768,521).

Dedrick discloses a general purpose metering mechanism for the distribution of electronic information from a server to a client computer. Content in a database such as newspapers and magazines can be provided from a publisher to a user for a predetermined cost. A client is charged according to a metering mechanism which meters the flow of information to a client computer. (Dedrick, Col. 1, lines 62-65).

Applicants submit that the Examiner's assertion that Dedrick's periodic determination of prices in a pay per byte system **necessarily entails a count of the number of bytes** is not supported by the prior art. It is respectfully submitted that there are other ways to calculate the price of a number of bytes rather than counting the bytes. In order to anticipate Claim 1 under 35 U.S.C. § 102, "the identical invention must be shown in as complete detail as is contained in the claim." (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) cited in MPEP § 2131). Dedrick fails to show the elements of the claim in as complete detail as recited in Claim 1. Further, the Examiner's statement that "the Examiner's comments in previous actions were attempting to show that Dedrick does not generate a price necessarily excluding the use of a content count," shows the Examiner acknowledges that a byte count is not taught in Dedrick. Thus, the Examiner's statement shows the use of impermissible hindsight in assuming that Dedrick must necessarily use a byte count to determine a price.

In addition, Applicants have amended claims 1, 9, and 17 to include the limitation, "selecting a plurality of content entities for said content object." Dedrick does not teach or suggest that the words or bytes (content entities as cited by the Examiner) are selected. In particular, Dedrick discloses charging a user per word or byte according to subscribed units of information. See col. 5, lines 3-9. However, the user merely subscribes to units of information. There is no teaching or suggestion of selecting a byte or word (content entities as cited by the Examiner).

For at least the above reasons, Claim 1 and its dependent claims should be deemed allowable. Since Claims 9 and 17 recite similar elements, Claims 9 and 17 and their dependent claims should also be deemed allowable for at least the same reasons.

VII. Claim Rejections under 35 U.S.C. § 103

Claims 3-6, 11-14, 19-22 and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick. Claims 3-6, 11-14, 19-22 and 25-27 should be deemed patentable by virtue of their dependency to claims 1, 9, and 17 for at least the reasons set forth above.

VIII. Claim Rejections under 35 U.S.C. § 103

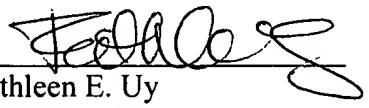
Claims 7-8, 15-16, and 23-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dedrick, in view of Khan et al. Claims 7-8, 15-16, and 23-24 should be deemed patentable by virtue of their dependency to Claims 1, 9, and 17 for at least the reasons set forth above. Moreover, Khan does not cure the deficiencies of Dedrick.

IX. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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